

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Gregory Cole

Docket No. 4:14-CR-74-2D

**Petition for Action on Supervised Release**

COMES NOW Jay Kellum, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gregory Cole, who, upon an earlier plea of guilty to Distribution of a Quantity of Cocaine Base (Crack) and Aiding and Abetting, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) and 18 U.S.C. § 2, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on October 6, 2015, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Gregory Cole was released from custody on July 24, 2018, at which time the term of supervised release commenced.

On April 4, 2019, a Violation Report was submitted to the Court after the defendant committed two separate offenses of Driving While License Revoked Not Impaired Revocation in Lenoir County, North Carolina. At that time, it was recommended that supervision be permitted to continue with no additional sanctions.

On April 24, 2019, a Violation Report was submitted to the Court advising Cole tested positive for marijuana. At that time, it was recommended that supervision be permitted to continue thus allowing Cole a chance to participate in an approved course of treatment.

On June 25, 2019, a Petition for Action was approved by the Court placing Cole on a curfew and electronic monitoring for a period not to exceed 30 consecutive days, as the result of being charged with the new criminal conduct of Driving While Licensed Revoked Not Impaired Revocation.

On July 30, 2019, a Petition for Action was approved by the Court placing Cole on home detention and electronic monitoring for a period not to exceed 30 consecutive days, as the result of being charged with the new criminal conduct of Driving While Licensed Revoked Not Impaired Revocation..

On October 15, 2020, a Petition for Action was approved by the Court placing Cole on home detention and electronic monitoring for a period not to exceed 60 consecutive days, as the result of being charged with the new criminal conduct of Driving While Licensed Revoked Not Impaired Revocation.

On October 26, 2020, a Violation Report was submitted to the Court advising Cole incurred a violation of the conditions of the electronic monitoring program, specifically, an unauthorized leave alert. At that time, it was recommended that no action be taken, and supervision be permitted to continue.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

As a result of the defendant's driving without a license, he was placed on home detention with electronic monitoring for a period not to exceed 60 consecutive days on October 20, 2020. Due to a calculation error, the defendant was removed from the program after completing 50 consecutive days of the imposed 60 days. With the exception of one violation within the first week of curfew, the defendant fully complied with curfew. Therefore, the U.S. Probation Office would respectfully recommend that the unserved portion of

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his term of electronic monitoring be struck and the defendant be allowed to return to his standard terms of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The unserved portion of his term of electronic monitoring be struck and Cole be allowed to return to his standard terms of supervision.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ David W. Leake  
David W. Leake  
Supervising U.S. Probation Officer

/s/ Jay Kellum  
Jay Kellum  
U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546-6762  
Phone: 910-346-5109  
Executed On: December 9, 2020

**ORDER OF THE COURT**

Considered and ordered this 11 day of December, 2020, and ordered filed and made a part of the records in the above case.

J. C. Dever  
James C. Dever III  
U.S. District Judge